

BY

Sullivan

H.C.R. No. 113

HOUSE CONCURRENT RESOLUTION

WHEREAS, The United States Environmental Protection Agency, in attempting to carry out the will of the United States Congress as expressed by Public Law 92-500, has promulgated regulations concerning irrigation return flow which limit their consideration to farms of 3,000 acres or more and to return flows from such sources as storm sewers within municipalities and agricultural feeding operations; and

WHEREAS, In the case of National Resources Defense Counsel v. Russell Train, U. S. District Court for the District of Columbia, there is now a ruling that would require application of highly burdensome and expensive regulatory efforts to all irrigated farms with return flows in the United States, regardless of size, and to every municipality in the country; and

WHEREAS, Many farms in Texas produce a large amount of desperately needed food and fiber and would be grievously burdened by the cost of complying with these mandated requirements; and

WHEREAS, The requirement necessitating the permitting of return flows from the many thousands of storm sewers throughout the country projects procedures which are unreasonable to the extent of being utterly unenforceable; and

WHEREAS, Inasmuch as the Environmental Protection Agency may file an appeal from this court decision, it is in the public interest that the Texas Water Quality Board exert every effort to assist the Environmental Protection Agency in making such an appeal; and

WHEREAS, At the same time, it is desirable that Congress be informed as to the great burden it has laid upon the food producers, agricultural feedlot operators, and the cities and towns of this nation; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 64th Legislature hereby direct the Texas Water Quality Board to join in any legal action which may be developed to relieve the burden imposed on food producers, agricultural feedlot operators, and the cities and towns of this nation as the result of the ruling in the case of National Resources Defense Counsel v. Russell Train, U.S. District Court for the District of Columbia, and the regulations promulgated by the United States Environmental Protection Agency in attempting to carry out the will of Congress as expressed in Public Law 92-500, and that the Board outline the difficulties created by this portion of that law to the Texas delegation in Congress; and, be it further

RESOLVED, That the Texas Water Quality Board act to enlist the aid of other state regulatory bodies insofar as possible in support of this course of action; and, be it further

RESOLVED, That the Texas Legislature, by this resolution, point to and emphasize the danger of unreasonable and irrational efforts to regulate rainfall runoff from small farms, agricultural feeding operations, city streets and other areas in which it is utterly beyond the power of man to exert control.

COMMITTEE REPORT

THE HONORABLE BILL CLAYTON
SPEAKER OF THE HOUSE OF REPRESENTATIVES

Date April 16, 1975

SIR:

We, your COMMITTEE ON Environmental Affairs to whom was referred HCR 113
(measure)

have had the same under consideration and beg to report back with the recommendation that it

- (☒) do pass, without amendment.
() do pass, with amendment(s).
() do pass and be not printed; a committee substitute is recommended in lieu of the original measure.

~~The Committee recommends that this measure be placed on the (Local / Consent) Calendar.~~

This measure (☒) proposes new law.
() amends existing law.

~~House Sponsor of Senate Measure:~~ _____

The measure was reported from Committee by the following Record Vote:

8 ayes
0 nays
0 present, not voting
5 absent

Bill Sullivan
Chairman

Return with Original Measure

Summary of Committee Action:

The Committee posted notice in accordance with Rule VIII, Section 13, and considered HCR No. 113 in a (public hearing
~~formal meeting~~)
on April 16, 1975.

~~The measure was referred to subcommittee and reported back favorably (with
without)
amendments on _____, 1975.~~

The Committee voted, on April 16, 1975,
by a record vote of 8 ayes and 6 nays, to report
the measure back to the House favorably (~~with~~) amendments.
without

COMMITTEE/FLOOR REPORT FORM

May 23

AUSTIN

1975

Honorable William P. Hobby
President of the Senate

Sir:

We, your Committee on Natural Resources to which was referred
H.C.R. No. 113 have had the same under consideration, and I am instructed to report it back to the Senate
with the recommendation that it do pass and be printed.



Chairman

Sherman

IF THIS FORM IS TO BE USED AS A FLOOR REPORT, IT IS NECESSARY FOR A MAJORITY OF THE COMMITTEE MEMBERS TO SIGN IT. Paper clip the original and one copy of this form to the original bill and retain one copy for your file.

ENROLLED

H.C.R. No. 113

HOUSE CONCURRENT RESOLUTION

1 WHEREAS, The United States Environmental Protection Agency,
2 in attempting to carry out the will of the United States Congress
3 as expressed by Public Law 92-500, has promulgated regulations
4 concerning irrigation return flow which limit their consideration
5 to farms of 3,000 acres or more and to return flows from such
6 sources as storm sewers within municipalities and agricultural
7 feeding operations; and

8 WHEREAS, In the case of National Resources Defense Counsel
9 v. Russell Train, U.S. District Court for the District of Columbia,
10 there is now a ruling that would require application of highly
11 burdensome and expensive regulatory efforts to all irrigated farms
12 with return flows in the United States, regardless of size, and
13 to every municipality in the country; and

14 WHEREAS, Many farms in Texas produce a large amount of
15 desperately needed food and fiber and would be grievously burdened
16 by the cost of complying with these mandated requirements; and

17 WHEREAS, The requirement necessitating the permitting of
18 return flows from the many thousands of storm sewers throughout
19 the country projects procedures which are unreasonable to the
20 extent of being utterly unenforceable; and

21 WHEREAS, Inasmuch as the Environmental Protection Agency
22 may file an appeal from this court decision, it is in the public
23 interest that the Texas Water Quality Board exert every effort
24 to assist the Environmental Protection Agency in making such an

1 appeal; and

2 WHEREAS, At the same time, it is desirable that Congress
3 be informed as to the great burden it has laid upon the food
4 producers, agricultural feedlot operators, and the cities and
5 towns of this nation; now, therefore, be it

6 RESOLVED by the House of Representatives of the State of
7 Texas, the Senate concurring, That the 64th Legislature hereby
8 direct the Texas Water Quality Board to join in any legal action
9 which may be developed to relieve the burden imposed on food
10 producers, agricultural feedlot operators, and the cities and
11 towns of this nation as the result of the ruling in the case of
12 National Resources Defense Counsel v. Russell Train, U.S. District
13 Court for the District of Columbia, and the regulations promulgated
14 by the United States Environmental Protection Agency in attempting
15 to carry out the will of Congress as expressed in Public Law
16 92-500, and that the Board outline the difficulties created by
17 this portion of that law to the Texas delegation in Congress;
18 and, be it further

19 RESOLVED, That the Texas Water Quality Board act to enlist
20 the aid of other state regulatory bodies insofar as possible in
21 support of this course of action; and, be it further

22 RESOLVED, That the Texas Legislature, by this resolution,
23 point to and emphasize the danger of unreasonable and irrational
24 efforts to regulate rainfall runoff from small farms, agricultural
25 feeding operations, city streets and other areas in which it is
26 utterly beyond the power of man to exert control.

H.C.R. No. 113

President of the Senate

Speaker of the House

I hereby certify that H.C.R. No. 113 was adopted by the House on May 12, 1975, by a non-record vote.

Chief Clerk of the House

I hereby certify that H.C.R. No. 113 was adopted by the Senate on May 29, 1975.

Secretary of the Senate

APPROVED:

6-19-75

Date

Signed

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
6:30 PM O'CLOCK

JUN 19 1975

.....
Secretary of State

H. C. R. No. 113

By

Sullivan
Criswell

HOUSE CONCURRENT RESOLUTION

Directing the Texas Water Quality Board to join in legal action developed to relieve burden of food producers, feedlot operators, cities and towns resulting from ruling in National Resources Defense Counsel v. Russell Train, U.S. District Court for District of Columbia, regarding return flows and runoff water regulated by Public Law 92-500.

APR 4 1975

1. Filed with the Chief Clerk of the House.

APR 7 1975

2. Read first time and referred to Committee on

APR 16 1975

3. Reported favorable (~~unfavorable~~) (~~as amended~~) and sent to Printer at 1:45 P. M.

APR 17 1975

4. Printed, distributed, and sent to { Committee on Calendars
Speaker of the House.

MAY 12 1975

5. Read and (adopted) (~~failed~~) (~~as amended~~) by (non-record vote)
(Record vote of _____ yeas, _____ nays, _____ present
and not voting.)

Dorothy Hallman
Chief Clerk of the House

MAY 12 1975

6. Sent to Engrossing Clerk.

5/12/75

7. Engrossed.

MAY 12 1975

8. Returned to Calendar Clerk.

MAY 12 1975

9. Sent to Senate.

Area Guggin
Engrossing Clerk of the House

MAY 13 1975

10. Received from the House.

MAY 13 1975

NATURAL RESOURCES

11. Read first time and referred to Committee on _____

MAY 23 1975

12. Reported favorably.

13. Ordered not printed by the Senate.

14. Immediate consideration ordered by (unanimous consent
(_____ years, _____ days

MAY 29 1975

15. Read and adopted.

Charles Schnabel

Secretary of the Senate

MAY 29 1975

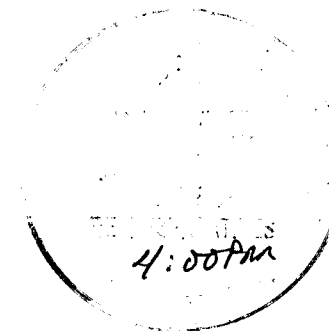
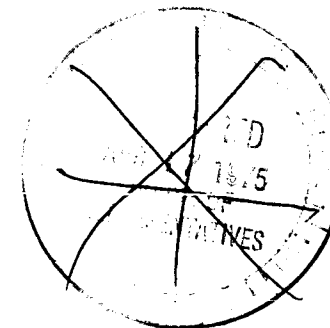
16. Returned to the House.

RETURNED FROM SENATE MAY 29 1975

Dorothy Hallman
Chief Clerk, House of Representatives

MAY 29 1975

SENT TO ENROLLING CLERK



END